

VERIFIED STATEMENT OF ANTHONY SCOTT LANEY

1. My name is Anthony Scott Laney.
2. I am an experienced epidemiologist, having earned a PhD and Master's in Public Health.
3. I was employed as a research epidemiologist in the Respiratory Health Division (RHD) of the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, based in Morgantown, West Virginia, from 2008 through April 1, 2025. This division is also known as the Division of Respiratory Disease Studies.
4. On April 1, 2025, nearly all employees of RHD were terminated or placed on administrative leave with the intent to wind down and imminently terminate their job functions---this included Dr. David Weissman, M.D., Chief of RHD.

Professional Background

5. For my entire tenure at NIOSH, I have been working with the Coal Workers' Health Surveillance Program (CWHSP). So, I am intimately involved with its operations and duties.
6. During my tenure with NIOSH, I was a leader on the team that discovered the increasing prevalence of coal workers' pneumoconiosis (CWP) and a broader range of conditions known as coal mine dust lung disease (CMDLD) in miners, which has been especially pronounced in Central Appalachia (Kentucky, Virginia, and West Virginia).
7. This research has documented the incidence of CMDLD among twenty percent (20%) of long-tenured Central Appalachian coal miners---representing thousands of miners across the region.
8. I have published papers on these developments, including with the Chief of RHD, Dr. David Weissman. See "Respiratory diseases caused by coal mine dust," J. Occup. Environ. Med., 2014 Oct;56 Suppl 10(0 10):S18-22.
9. My group at NIOSH discovered that a principal causative agent of the increase in CMDLD was the exposure to crystalline silica, among other novel findings.
10. RHD operates the Congressionally-mandated CWHSP and medical review for the job transfer program known as "Part 90" under the Mine Act.

Closure of RHD Is Harming Miners

11. Early detection of CWP is the key to preventing escalation of the disease to progressive massive fibrosis and mortality.
12. Stopping the CWHSP and Part 90 will have deleterious effects on coal miners, particularly in Central Appalachia where those programs are heavily utilized.
13. The results of my epidemiological studies and the findings of the CWHSP certainly indicate the loss of the CWHSP and Part 90 will lead to increased premature mortality among coal miners.
14. With the cuts, RHD will be unable to fulfill even the basic requirements of the programs, including Part 90, the health surveillance screening, and the B-reader program.
15. On April 16, 2025, I became aware of a news report indicating that the recent budget cuts would persist into the upcoming fiscal year, resulting in the elimination of all NIOSH programs except for the World Trade Center Insurance Program, Mesothelioma Registry, and Firefighter Cancer Registry.
16. Clinics in the coalfields have been notified by NIOSH that they should cease sending x-rays to NIOSH for evaluation for Part 90 and the CWHSP.
17. Based on my experience, all personnel in RHD of NIOSH were integral to carrying out the epidemiological surveillance and job transfer provisions of the Federal Mine Act. Workers within all portions of RHD were significantly involved in the operation of the program, including Field Studies Branch, Office of the Director, and the Surveillance Branch. For instance, surge staff from Field Studies travel into the field with the mobile CWHSP surveillance unit, and technology services from across RHD were necessary for the handling of digital x-rays and medical records.
18. Based on the communications I have received from NIOSH, there is no evidence that the Department of Health and Human Services has a plan to replace the employees who have been terminated or placed on administrative leave, or restore their job functions.
19. Due to the scope of employees terminated, any remaining employees within NIOSH and the Department of Health and Human Services lack the breadth of specialized expertise necessary to carry out all mandatory epidemiological surveillance and job transfer programs under the Mine Act.
20. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 17 day of April, 2025.

Anthony Scott Laney



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

March 31, 2025

MEMORANDUM FOR: ANTHONY LANEYVIA EMAIL: aol4@cdc.govFROM: Tom Nagy, Chief Human Capital OfficerSUBJECT: Specific Notice of Reduction in Force

In accordance with President Donald Trump's Executive Order 14210, dated February 11, 2025, and the Department of Health and Human Services' (HHS) broader reorganization strategy to improve its efficiency and effectiveness to make America healthier, HHS is executing a Reduction in Force (RIF). This memorandum constitutes a specific notice of a RIF.

I regret to inform you that you are being affected by a RIF action. This RIF is necessary to reshape the workforce of HHS.

This is your specific notice of the RIF. In accordance with the RIF procedures specified in Chapter 35 of Title 5 of the United States Code and Title 5 of the Code of Federal Regulations, Part 351, and HHS policy, you are being released from your competitive level based on your retention standing. Consequently, you will be separated from the Federal service effective **June 2, 2025**. In the event you are qualified and have assignment rights to a position that becomes available during the notice period, you will be informed via a specific, subsequent notice. Should the circumstances of the RIF otherwise change, this notice may be withdrawn.

Retention Standing

To conduct the RIF, retention registers were prepared which list employees in retention standing order by civil service tenure group and subgroup, veterans' preference, performance ratings, and length of Federal service. The following information was used to determine your retention standing as of the RIF effective date:

Competitive Area:	SURVEILLANCE BRANCH-NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY & HEALTH
Competitive Level:	REP1
Tenure Group & Subgroup:	1
Veterans' Preference:	N

Exhibit A

DEPARTMENT OF HEALTH & HUMAN SERVICES

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Most Recent Performance Ratings: 5,5,5

Additional Years of Credit Based on Performance Ratings: 20

Reduction In Force Service Computation Date (SCD): 2006-02-28 00:00:00

Adjusted RIF Service Computation Date (SCD): 1986-02-28 00:00:00

The adjusted RIF SCD includes all creditable military and civilian service and is adjusted with additional credit (up to a maximum of 20 years) for the performance ratings.

NOTE: All employees in your competitive area will be separated.

You have been reached for release from your competitive level in accordance with RIF regulations and procedures. You have no assignment rights to positions within your competitive area. Therefore, you will be separated from HHS at the close of business on June 2, 2025.

Based on a preliminary evaluation, you are eligible for severance pay pursuant to 5 U.S.C. § 5595.

If you are a competitive service employee, or a covered excepted service employee under HHS Instruction 330-2, you are eligible to have your name placed on the Reemployment Priority List and to participate in the Interagency Career Transition Assistance Plan (ICTAP). You are also eligible to participate in the HHS Career Transition Assistance Program. However, if you resign or retire before your separation under reduction in force, you will no longer be eligible for special selection priority under this program and you may lose eligibility for special selection priority through the Reemployment Priority List (RPL) and the ICTAP. Information and registration procedures for the RPL are included in the attachments to this notice.

Please contact your supervisor or email OHR-General-Inquiries@hhs.gov immediately if you believe any of the above information is incorrect.

RIF Package

Each employee impacted by the RIF has been sent documents that outline applicable benefits for which you may be eligible or entitled as appropriate. You may make an appointment with the Office of Human Resources (OHR) to obtain paper copies of the documents. You may make an appointment by contacting OHR-General-Inquiries@hhs.gov. In addition, the websites to certain relevant external benefits provided by other entities are found immediately below.

For training benefits under the Workforce Improvement Act of 1998, please see www.careeronestop.org.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

For unemployment compensation benefits, please refer to the Department of Labor website at www.dol.gov.

For general information on transition assistance, please refer to the Office of Personnel Management website at www.opm.gov.

Appeal and Grievance Rights

U.S. Merit Systems Protection Board (MSPB)

If you believe your retention rights have not been applied correctly or have been violated, you may appeal this action to the MSPB. You may file your appeal with the MSPB's regional or field office serving the area where your duty station was located. The address of your regional or field office has been included in your RIF package.

For a complete listing of MSPB regional and field offices, see [Appendix II](#) of Part 1201 of the Board's regulations. Your appeal must be in writing and may be filed any time after receipt of this notice until no later than 30 calendar days after the effective date. Failure to file an appeal within the time limit may result in dismissal of the appeal as untimely filed. More information on filing appeals is included in your RIF package. You may also access the MSPB website at www.mspb.gov for additional and further detailed information on the appeal process.

Equal Employment Opportunity (EEO)

If you believe this personnel action is based in whole or in part on discrimination based on your race, color, religion, sex, national origin, age or disability, or in retaliation for prior protected activity you may file an EEO complaint with your designated HHS EEO representative:

Reginald R. Mebane, Director

RMebane@cdc.gov

(770) 488-3210

You must contact your EEO representative no later than 45 calendar days of the effective date of your separation from Federal service. Alternatively, you may file an appeal with the MSPB as noted above and raise discrimination as an affirmative defense. However, you may not proceed through both forums; you must elect one or the other. You may access the U.S. Equal Employment Opportunity Commission (EEOC) website at www.eeoc.gov for additional and further detailed information on the Federal sector EEO process.

Office of Special Counsel

You may also seek corrective action before the U.S. Office of Special Counsel (OSC). Visit the OSC e-filing system web site at www.osc.gov, to access the online application. However, if you do so, you will be limited to whether the agency took one or more covered personnel actions against you in retaliation for making protected whistleblowing disclosures. If you choose to file

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

an action with OSC, you will be foregoing your right to file an MSPB appeal regarding this personnel action.

Conclusion

This action is being taken in accordance with the applicable civil service RIF regulations. Included in your RIF package is a copy of the Office of Personnel Management (OPM) RIF regulations, 5 C.F.R., Part 351. Further detailed information about the RIF regulations may also be accessed on the OPM [website](#). You may make an appointment to review and obtain a copy of the RIF regulations and/or records pertaining to you by contacting OHR-General-Inquiries@hhs.gov.

The Employee Assistance Program (EAP) is available free to you and in most cases your immediate family. EAP counselors are available 24 hours a day, 365 days per year at 1-800-222-0364 or www.FOH4YOU.com.

If you are eligible for severance pay following your separation, the attached worksheet will allow you to calculate an estimate. Regardless, the following additional information is also available in your RIF package:

- Information on unemployment compensation under applicable State or District of Columbia programs.
- Training benefits under the Workforce Investment Act of 1998 (WIA).
- Request for authorization to release employment information to prospective employers.

Because you are being separated through a RIF action, you are eligible for career transition and placement assistance. Specifically, you are eligible for the HHS Reemployment Priority List (RPL), Career Transition Assistance Program (CTAP), and Interagency Career Transition Assistance Program (ICTAP). Your RIF package includes further information on these programs.

If you elect to resign before the effective date of the RIF, your separation will be considered involuntary for severance pay purposes and you will still be eligible to receive your severance pay. Please be advised that an early resignation may affect your eligibility for placement assistance and your appeal rights. It may also impact your ability to qualify for unemployment compensation and training benefits provided under WIA. You are encouraged to contact your State's Department of Labor and Employment for any questions regarding unemployment compensation. You are also encouraged to contact OHR-General-Inquiries@hhs.gov to determine how an early resignation may affect your benefits.

This RIF action does not reflect directly on your service, performance, or conduct. It is being taken solely for the reasons stated above, and because your duties have been identified as either unnecessary or virtually identical to duties being performed elsewhere in the agency. Leadership at HHS are appreciative of your service.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Please return a signed copy of the Acknowledgement of Receipt and Authorization for Release of Employment Information by email to OHR-General-Inquiries@hhs.gov within 14 days of receipt of this notice.

Attachments (9)

1. Acknowledgement of Receipt
2. MSPB Appeal Information
3. OPM Retention Regulations
4. Severance Pay Worksheet
5. Unemployment Insurance and State Workforce Agencies
6. Authorization for Release of Employment Information
7. CTAP, ICTAP and Reemployment Priority List (RPL) Program Information
8. Reference Guide to Benefits during RIF
9. List of MSPB Regional and Field Offices

Subject: *Attention* NIOSH's Coal Workers' Health Surveillance Program (CWHSP) Updates

Dear Approved NIOSH CWHSP facilities,

Due to a reduction in force being implemented across NIOSH by HHS, the Coal Workers' Health Surveillance Program (CWHSP) is **paused**. We cannot accept new chest radiographs, spirometry, or forms at this time.

We will be suspending SAMs and Powershare accounts next week to ensure that NIOSH does not receive radiographs or spirometry tests that we may be unable to process. We will continue to process everything we currently have for as long as we can.

We have no further information about the future of CWHSP at this time

V/R

CWHSP staff

Exhibit B